

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

JOSEPH BAILEY,

Defendant.

Consent Order of Restitution

Docket No. 19 Cr. 412 (WHP)

Upon the application of the United States of America, by its attorney, Audrey Strauss, Acting United States Attorney for the Southern District of New York, Dina McLeod, and Dominika Tarczynska, Assistant United States Attorneys, of counsel; the presentence report; the Defendant's conviction on Count One of the above Indictment; and all other proceedings in this case, it is hereby ORDERED that:

1. Amount of Restitution

Joseph Bailey, the Defendant, shall pay restitution in the total amount of \$1,661,617, pursuant to 18 U.S.C. § 3663A (MVRA), to the victim of the offenses charged in Count One—U.S. Customs and Border Protection, 601 W. 26th Street, New York, NY 10001. Upon advice by the United States Attorney's Office of a change of address of a victim, the Clerk of the Court is authorized to send payments to the new address without further order of this Court.

A. Joint and Several Liability

Restitution is joint and several with the following defendants in the following cases: Chuck Frei, *United States v. Frei*, 18 Cr. 822 (JSR) and Darrell Goodman, *United States v. Goodman*, 19 Cr. 385 (AKH).

2. Schedule of Payments

Pursuant to 18 U.S.C. § 3664(f)(2), in consideration of the financial resources and other assets of the Defendant, including whether any of these assets are jointly controlled; projected

earnings and other income of the Defendant; and any financial obligations of the Defendant; including obligations to dependents, the Defendant shall pay restitution in the manner and according to the schedule that follows:

1. To the extent that the Government collects a civil settlement from the defendant, Joseph Bailey, in *United States v. Stargate, et. al.*, 14 Civ. 8991 (JPO), for the same conduct charged in Count One of the Indictment, that civil recovery will be credited against the restitution obligation set forth in this Order.

2. If the victim of the crime charged in Count One of the Indictment has not been fully recompensed by the civil recovery by six months from the date of this Order, the Defendant will pay \$830,808 of the restitution obligation set forth in this Order. At twelve months from the date of this Order, the Defendant will pay any outstanding balance of criminal restitution in full, to the extent any balance remains.

If the Defendant defaults on the payment schedule set forth above, the Government may pursue other remedies to enforce the judgment.

3. Payment Instructions

The Defendant shall make restitution payments by certified check, bank check, money order, wire transfer, credit card or cash. Checks and money orders shall be made payable to the “SDNY Clerk of the Court” and mailed or hand-delivered to: United States Courthouse, 500 Pearl Street, New York, New York 10007 - Attention: Cashier, as required by 18 U.S.C. § 3611. The Defendant shall write his/her name and the docket number of this case on each check or money order. Credit card payments must be made in person at the Clerk’s Office. Any cash payments shall be hand delivered to the Clerk’s Office using exact change, and shall not be mailed. For payments by wire, the Defendant shall contact the Clerk’s Office for wiring instructions.

4. Additional Provisions

The Defendant shall notify, within 30 days, the Clerk of Court, the United States Probation Office (during any period of probation or supervised release), and the United States Attorney's Office, 86 Chambers Street, 3rd Floor, New York, New York 10007 (Attn: Financial Litigation Unit) of (1) any change of the Defendant's name, residence, or mailing address or (2) any material change in the Defendant's financial resources that affects the Defendant's ability to pay restitution in accordance with 18 U.S.C. § 3664(k). If the Defendant discloses, or the Government otherwise learns of, additional assets not known to the Government at the time of the execution of this order, the Government may seek a Court order modifying the payment schedule consistent with the discovery of new or additional assets.

5. Restitution Liability

The Defendant's liability to pay restitution shall terminate on the date that is the later of 20 years from the entry of judgment or 20 years after the Defendant's release from imprisonment, as provided in 18 U.S.C. § 3613(b). Subject to the time limitations in the preceding sentence, in the event of the death of the Defendant, the Defendant's estate will be held responsible for any unpaid

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balance of the restitution amount, and any lien filed pursuant to 18 U.S.C. § 3613(c) shall continue until the estate receives a written release of that liability.

AGREED AND CONSENTED TO:

AUDREY STRAUSS
Acting United States Attorney for the
Southern District of New York

By: Dina McLeod
Dina McLeod
One Saint Andrew's Plaza
New York, NY 10007
Tel.: (212) 637 - 1040

01/12/21
DATE

By: [Signature]
JOSEPH BAILEY

1/12/21
DATE

By: [Signature]
MICHAEL SARDAR, ESQ.
SHARON MCCARTHY, ESQ.

1/12/2021
DATE

SO ORDERED:

[Signature]
WILLIAM H. PAULEY III
U.S.D.J.

January 14, 2021
DATE